

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

YOLANDA MCEL RATH,)	
)	
Plaintiff,)	
)	No. 07 CV 2914
v.)	
)	JUDGE GOTTSCHALL
BOUIE CONSTRUCTION)	
)	
)	
Defendant.)	

MOTION FOR JUDGMENT AND PROOF OF DAMAGES

NOW COME THE PLAINTIFF, and pursuant to FRCP 55, herewith moves the Court to enter judgment in her favor in the amount of \$79,839.00. In support of hereof, plaintiff states:

1. On August 15, 2007, this Court granted plaintiff's counsel oral motion for entry of default as to defendant for failure to answer and/or appear.
2. The plaintiff in this cause under the Title VII of the Civil Rights Act of 1964, Title 42 U.S.C. §§2000(e)-2 and 3 is entitled to all reasonable relief under 42 U.S.C. 1981a, §2000e- 5(g) and (k), and 42 U.S.C. 1981a.
3. Plaintiff was employed by defendant as a construction worker from July 2005 to September 1, 2005 at a wage of \$30.15 per hour. Plaintiff worked an average of 26 hours per week and therefore made approximately \$784.00 per week. (Ex. A).

4. Plaintiff was subjected to discrimination and harassment on the basis of her gender and sexual orientation. Plaintiff is an African American, homosexual woman.
5. On September 1, 2005 plaintiff was discharged from employment for the pretextual reason that there was “no work” for her. Plaintiff believes there was work because the company continued in business.
6. The construction season usually lasts March 1st to December 1st.
7. As a result thereof, plaintiff, YOLANDA McELRATH, has calculated her back wages to be \$71,344.00. The verification of damages for plaintiffs is attached. (Ex. B).
8. Plaintiffs’ damages are summarized as follows:

JUDGMENT REQUESTED

Back Wages:

September 1, 2005- December 1, 2005 (13 weeks @ 40hours/week)	\$10,192.00
March 1, 2006 – December 1, 2006 (39 weeks @ 40hours/week)	\$30,576.00
March 1, 2007- December 1, 2007 (39 weeks @ 40 hours/week)	<u>\$30,576.00</u>
Total:	\$71,344.00

Compensatory Damages:	\$5,000.00
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Attorney’s fees, 42 U.S.C. 2000(e)-5(k):	\$3,145.00
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Costs:	\$350.00
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<u>TOTAL</u>	<u>\$79,839.00</u>
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WHEREFORE, plaintiff asks the Court to enter judgment in her favor and against the defendant, BOUIE CONSTRUCTION, in the sum of \$79,839.00, which includes attorney's fees and costs, pursuant to 42 U.S.C. 2000(e)-5(k).

/s/ Petrine J. Nielsen
PETRINE J. NIELSEN

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Attorney for Plaintiff

CERTIFICATE OF SERVICE

The undersigned, an attorney, states that a true and correct copy of said document was served upon the registered agent for defendant by electronic mail and first class mail on this 29th day of October, 2007 before 6:00 P.M.

/s/ Petrine J. Nielsen
PETRINE J. NIELSEN